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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,811	08/28/2000	Yoichi Nakamura	Q59327	7576

7590 06/17/2004  
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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/648,811

Applicant(s)

NAKAMURA, YOICHI

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant can not rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP 201.15.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Konagaya (USP 6,552,778).

With respect to claim 1, Konagaya discloses an apparatus (as shown in fig 1) for reading an image (film 22 of fig 3-5) comprising: a light source, (light source 66 of fig 1) which when operated, emits visible light and invisible light towards an image disposed along an optical path followed by the light, see (col.6, lines 55-58); a first reading device

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(30 of fig 1) disposed downstream from the image along the optical path, see (fig 1) the first reading device (30 of fig 1) having a visible light sensor which receives light and produces electronic data in accordance with received light in visible wavelengths, when operated; a second reading device (CCD sensor 30 of fig 1) disposed downstream from the image along the optical path, the second reading device (30 of fig 1) having an invisible light sensor which receives light and produces electronic data in accordance with received light in invisible wavelengths, when operated, see (col.6, lines 55-58); a controller (image processing section 16 of fig 1) electronically connected to the first reading device (14 of fig 1) and the second reading device, (30 of fig 1) and synchronizing electronic data from the first and second reading devices (sensor 30 of fig 1) with one another; and a correcting device (processing section 16 of fig 1, perform various type of correction, see col.6, lines 20-25) electronically connected to the first and second reading devices, (30 and 14 of fig 1) which receives data therefrom and corrects data from the first reading device based on data from the second reading device (14 of fig 1).

With respect to claim 2, Konagaya the apparatus, wherein said controller (processor 16 of fig 1) controls said first reading device (30 of fig 1) and said second reading device (14 of fig 1) so that each produces electronic data simultaneously with one another.

With respect to claim 3, Konagaya discloses the apparatus (as shown in fig 1), wherein said controller (image processor 16 of fig 1) controls said first reading device (30 of fig 1) and said second reading device (30 of fig 1) so that the devices alternately produce electronic data with one another.

With respect to claim 4, Konagaya discloses the apparatus (as shown in fig 1), further comprising a deflecting device (mirror 73 of fig 1), disposed downstream from the image along the optical path, see col.7, lines 18-20), and guiding visible light transmitted along the optical path to said first reading device, (30 of fig 1) and invisible light to said second reading device (14 of fig 1).

With respect to claim 5, Konagaya discloses the apparatus (as shown in fig 1), further comprising a light reducing device (a mirror box 75 of fig 1) disposed along the optical path, which reduces an amount of light emitted from said light source to no more than a predetermined level, see (col.7, lines 55-60).

With respect to claim 6, Konagaya discloses the apparatus (as shown in fig 1) wherein said light source (lamp 70 of fig 1) comprises: a first light emitter (lamp 66 for emitting a visible light) which emits visible light when operated, see (col.6, line 55-57); a second light emitter (lamp 70 of fig 1) which emits invisible light when operated, see col.7, lines 25-27); and a deflecting device (mirror 73 of fig 1) disposed along the optical path upstream from the image, (as shown in fig 1) which substantially reflects one of

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visible light emitted from said first light source, see (col.6, lines 55-57), and invisible light emitted from said second light source to said image, see (col.7, lines 25-27), and substantially transmits the other there through.

With respect to claim 7, Konagaya discloses the apparatus (as shown in fig 1) the apparatus, wherein said controller (image processor 16 of fig 1) controls such that said second light source (lamp 70 of fig 1) emits invisible light only when said second reading device (14 of fig 1) is being operated for receiving light and producing electronic data in accordance therewith.

With respect to claim 8 Konagaya discloses the apparatus (as shown in fig 1), further comprising: a timing device (timing belt 128 of fig 4) which provides timing information for operation of said first reading device (30 of fig 1) and said second reading device (30 of fig 1) wherein said controller (image processor 16 of fig 1) controls such that, on the basis of timing information received from said timing device, (128 of fig 1) said first and second reading devices (30 and 14 of fig 1) are operated.

With respect to claim 9 Konagaya discloses wherein said timing device (timing belt 128 of fig 4) provides timing information such that, at least, operation of said first (CCD 30 of fig 1) and second reading device (CCD 14 of fig1) commences substantially at the same time.

With respect to claim 10, Konagaya discloses the apparatus (shown in fig 1) wherein said timing device (timing belt 128 of fig 4) provides timing information such that, at least, operation of said first and second reading devices (CCD 30 and 14 of fig 1) terminate at substantially the same time.

With respect to claim 11, Konagaya discloses the apparatus (as shown in fig 1) wherein said second reading device (30 of fig 1) is disposed on the basis of axial chromatic aberration of invisible light such that a position on said image from which said first reading device receives at least some visible light, (light from light source 70 of fig 1) substantially coincides with a position on said image from which said second reading device (CCD 14 of fig 1) receives at least some invisible light.

With respect to claim 12, Konagaya discloses a method of reading an image (reading device shown in fig 1) comprising the steps of: disposing an image for exposure to light, (frame image on a film illuminated by light source 66 of fig 1) when the light travels along an optical path; emitting visible light and invisible light along the optical path, (light emitted along the optical lens 70 of fig 1, upstream to the image with non-visible light source 70 of fig 1) upstream of the image, see (col.7, lines 25-30) thereby exposing the image to visible light and invisible light (visible and non visible light exposed by lamp 70 and 66 of fig 1); receiving visible light along the optical path, see

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(col.7, lines 25 and col.8, lines 45-50) downstream of the image, and producing first electronic data in accordance with the received visible light, see (col.6, lines 6, 55-59); receiving invisible light along the optical path, downstream of the image, and producing second electronic data in accordance with the received invisible light (visible light received from lamp 66 of fig 1, see col.6, lines 55-59); controlling the production of first and second electronic data (image processing section 16 control the first and the second data by processing on the image data such as correcting various types of correction), such that said first and second electronic data is correlated with one another; and correcting said first electronic data based on said second electronic data, see (col.6, lines 20-25).

With respect to claim 13, Konagaya discloses the image reading method (as shown in fig 1) wherein in the step of controlling the production of first and second electronic data, (image processing section 16 of fig 1, controls the first and the second data by processing on the image data such as correcting various types of correction), the first and second electronic data is produced substantially simultaneously with one another, see (col.6, lines 20-25).

With respect to claim 14, Konagaya discloses the image reading method (shown on fig 1) wherein in the step of controlling the production of first and second electronic data, (image processing section 16 of fig 1, controls the first and the second data by

processing on the image data such as correcting various types of correction), the first and second electronic data is alternately produced relative to one another, see (col.6, lines 20-25).

With respect to claim 15, Konagaya discloses the image reading method (as shown in fig 1) further comprising the step of guiding visible light along the optical path, downstream of the image, (a visible light emitted by lamp 66 of fig 1, guided by mirror 73 of fig 1) to a first reading device, ( CCD 30 of fig 1) and guiding invisible light along the optical path, downstream of the image, to a second reading device (CCD 14 of fig 1).

With respect to claim 16, Kongaya discloses the image reading method (as shown in fig 1), further comprising the step of reducing an amount of invisible light to a predetermined range along the optical path, upstream of the image (the amount of invisible light emitted by lamp 70 of fig 1, reduced by deflector 73 of fig 1).

With respect to claim 17, Konagaya discloses the image reading method (as shown in fig 1), wherein the step of controlling the production of first and second electronic data, (image processing section 16 of fig 1, controls the first and the second data by processing on the image data such as correcting various types of correction), includes providing timing information, (timing information is provided by timing belt 128 of fig 1) and the step of controlling the production of first and second electronic data, (image processing section 16 of fig 1, controls the first and the second data by

processing on the image data such as correcting various types of correction), is performed in accordance with the timing information to correlate first and second electronic data with one another, see (col.6, lines 20-25).

With respect to claim 18, Konagaya discloses the image reading method (as shown in fig 1), wherein the step of controlling the production of first and second electronic data, (image processing section 16 of fig 1, controls the first and the second data by processing on the image data such as correcting various types of correction), in accordance with the timing information, (timing belt 128 of fig 1) is performed to initiate the production of first and second electronic data at substantially the same time.

With respect to claim 19, Konagaya discloses the image reading method (as shown in fig 1) wherein the step of controlling the production of first and second electronic data in accordance with the timing information, (image processing section 16 of fig 1, controls the first and the second data by processing on the image data such as correcting various types of correction), is performed to terminate the production of first and second electronic data at substantially the same time (timing belt 128 of fig 1).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441. The examiner can normally be reached on 7am-4pm.

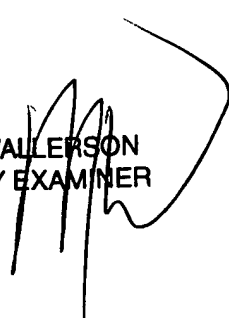
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku

06/08/04



MARK WALLERSON  
PRIMARY EXAMINER